

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BGC REAL ESTATE OF NEVADA LLC,, et  
al.,  
Plaintiffs,

v.

AVISON YOUNG (CANADA) INC., et al.,  
Defendants.

**JUDGE RICHARD F BOULWARE'S  
ORDER REGARDING TRIAL**

Case No.: 2:15-cv-00531-RFB-EJY

1. The Court GRANTS the [738] Stipulation and resets the trial before the Honorable Richard F. Boulware, II, United States District Judge, at Las Vegas, Nevada, commencing on, **Monday, May 12, 2025, at 8:30 a.m. in Courtroom 7C.** Parties are notified this is part of both a criminal and civil stack. Counsel may contact the courtroom administrator, at [darci\\_reichsmith@nvd.uscourts.gov](mailto:darci_reichsmith@nvd.uscourts.gov) to discern their placement on the trial stack at any time.

2. Counsel for all parties in the civil and criminal cases shall appear for **Calendar Call on April 1, 2025 at 1:00 p.m.** Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases will not be required to appear for calendar call. The defendants in criminal cases can only be excused with leave of the Court.

3. Counsel or their clients will be excused from calendar call if prior to the scheduled calendar call settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been accepted in a criminal case.

4. **At calendar call**, all cases that remain to be tried will be ranked in order of trial. Thereafter, the court will not grant a continuance to any party absent a showing of good cause. Unless the court otherwise directs, the cases will be tried one after the other on **SEVENTY TWO (72) HOURS'** notice from the clerk.

1           **5. CHANGE OF PLEA HEARINGS.** Change of plea hearings will be set on the first  
2 available date on the court's calendar. It shall be the joint responsibility of counsel for the United  
3 States and for defendant(s) to ensure that a copy of the plea agreement (or a plea memorandum in  
4 cases of no plea agreement, are delivered to Judge Boulware's courtroom administrator.

5           **Change of plea hearings will not be heard at calendar call, and will not be set until a signed**  
6 **courtesy copy of the plea agreement (or a plea memorandum) is either delivered directly to**  
7 **Judge Boulware's courtroom administrator.** It shall further be the responsibility of counsel for  
8 the United States to ensure that any necessary produce orders, or writs of habeas corpus ad  
9 prosequendum are timely delivered to the United States marshal to ensure the presence of all in-  
10 custody defendants for a change of plea, and to ensure proper notification for the attendance of  
11 any court interpreter which may be required for the particular case.

12           **6. PRETRIAL CONFERENCE.** At the request of any party, or at the direction of the  
13 Court, a Pretrial Conference may be scheduled for any case. Requests by the parties should be  
14 made to the Courtroom Administrator by no later than two weeks before Calendar Call.

15           **7. WITNESSES.** Counsel, and any party appearing *pro se*, shall immediately subpoena all  
16 witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a trailing  
17 fashion, the subpoenas should contain a special instruction from counsel directing witnesses to  
18 contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not  
19 required to be present at the calendar call but must appear as subpoenaed.

20           **8. On or before March 21, 2025,** or as otherwise noted, and to the extent they have not  
21 already done so in accordance with the Court's Joint Pretrial Order, or other order, COUNSEL  
22 FOR ALL PARTIES, AND ANY PARTY APPEARING PRO SE, SHALL COMPLY  
23 WITH THE FOLLOWING

24                   a.       **STIPULATIONS FOR CONTINUANCE OF TRIAL DATE.** A  
25           **Stipulation has already been granted in this matter.**

26                   b.       **MOTIONS IN LIMINE.** Motions in Limine are due on or before

1 **February 28, 2025**; Responses are due **March 14, 2025**. Replies are only allowed with leave  
2 of the Court.

3 c. **STATEMENT OF THE CASE**. Shall file with the Clerk of Court a  
4 brief statement of the case, no longer than one-half page, stating the nature of the claims and  
5 defenses, to be read to prospective jurors at the time of jury selection. In a criminal case, a copy  
6 of the Indictment, indicating which portions should be read to the jury, will satisfy this  
7 requirement.

8 d. **SUGGESTED VOIR DIRE QUESTIONS**: Shall file with the  
9 Clerk of Court all suggested voir dire questions to be asked of the jury panel by the Court.

10 e. **WITNESS LISTS**. Shall file with the Clerk of Court the original list of  
11 witnesses expected to be called on behalf of each party for use by the Court during jury  
12 selection.

13 f. **EXHIBIT LISTS**. Shall file with the Clerk of Court the original  
14 complete exhibit list of all exhibits intended to be used during the trial. At the same time,  
15 each party shall serve upon all other parties a copy of the same. The exhibits are to be listed  
16 on a form provided by the Clerk's Office, or obtained from the Court's website  
17 [www.nvd.uscourts.gov](http://www.nvd.uscourts.gov) and may be computer-generated if they conform to the requirements  
18 of the form that is provided by the clerk.

19 g. **MARKING EXHIBITS**. Shall meet, confer, pre-mark and  
20 exchange all trial exhibits. Plaintiffs shall use numerals 1 through 500 and Defendants  
21 shall use numerals 501 through 1,000. If Plaintiff's have more than 500 exhibits, they  
22 must notify the Defendants no later than 1/31/2025 and Exhibit numbers shall be altered  
23 accordingly. Exhibits that are on the same subject matter may be marked as a series, that  
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1 is, Plaintiffs 1-A, 1-B, etc. and Defendants 501-A, 501-B, etc. Counsel shall notify the  
2 Courtroom Administrator that the exhibits have been pre-marked.

3 **h. EXHIBITS.** Exhibits are *due to the Court at Calendar Call*.  
4 Counsel shall provide the Courtroom Administrator a USB uploaded with the exhibits in  
5 individual pdf format and an exhibit list, **in accordance with the Instructions in the**  
6 **Memo entitled JURY EVIDENCE RECORDING SYSTEM (JERS).** *Parties must*  
7 *request a copy of this memo from the Courtroom Administrator if it is needed.* The  
8 exhibits shall remain in the custody of the clerk unless otherwise ordered. All exhibits  
9 must be individually marked.  
10

11 Parties may also bring a 3-ring binder of the exhibits for the use of witnesses if they so  
12 choose. Exhibits not included in the submissions to the Court may not be permitted to be used  
13 during the trial without express permission from the Court prior to their introduction.

14 **i. JURY INSTRUCTIONS.** Shall jointly file with the Clerk of Court  
15 one original set of agreed upon jury instructions and proposed verdict forms. These  
16 documents shall also be submitted in **Word** format to the courtroom administrator and to  
17 ["RFB\\_Chambers@nvd.uscourts.gov"](mailto:RFB_Chambers@nvd.uscourts.gov). The parties shall submit additional proposed jury  
18 instructions and verdict forms in **Word** format to the courtroom administrator and to  
19 chambers by email at the same email address. The latter must include the authority and  
20 argument for each instruction. Any modifications of instructions from statutory authority,  
21 the Ninth Circuit Manual of Model Jury Instructions, or any other model instructions,  
22 must specifically state the modification made to the original source and the authority and  
23 argument supporting the modification. In **criminal cases**, the parties may file separate jury  
24 instructions if they cannot agree upon a joint set of jury instructions.  
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j. **CIVIL CASES: TRIAL BRIEFS AND PROPOSED**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW.**

Each party shall file with the Clerk of Court a Trial Brief in all civil cases. This brief will outline the respective party's position for trial and identify any potential legal issues that it anticipates may arise. With leave of the Court, a party may file its trial brief under seal. Additionally, in all civil cases to be tried before the Court sitting without a jury, the parties shall file proposed Findings of Fact and Conclusions of Law. The proposed Findings and Conclusions shall also be submitted to the courtroom administrator at her email address and chambers by email to "[RFB\\_Chambers@nvd.uscourts.gov](mailto:RFB_Chambers@nvd.uscourts.gov)" in Microsoft Word format.

k. **CRIMINAL CASES TRIAL BRIEFS.**

The Government counsel shall submit a copy of the Government's trial brief (marked confidential) to the Courtroom Administrator for submission to the trial judge. The original of the Government's trial brief shall be filed in open Court and a copy served by 9:00 a.m. on the first day of trial upon defense counsel. Defense counsel may file a trial brief. If defense counsel elects to file a trial brief, the same shall be filed and served upon Government counsel prior to the defense commencing its side of the case.

9. **TRIAL SCHEDULE.** Trial will generally begin at 8:30 a.m., and end at 2:30 p.m. The first week of trial will be held from Monday through Friday; with Friday as a half day. However, parties should plan to be available between 8:00 a.m., and 9:00 a.m., in the morning and between 2:00 p.m. and 3:00 p.m., in the afternoon each day of trial to address matters outside the presence of the jury. This standard trial schedule may be modified for good cause; however, requests should be submitted at Calendar Call or before the written trial schedule is issued to jurors.

10. **USE OF EVIDENCE DISPLAY EQUIPMENT,** Counsel wishing to use the Court's evidence display equipment should bring their laptops to the Calendar call. Testing will occur

1 immediately after the hearing. Otherwise, counsel may contact the Courtroom Administrator  
2 during at least one week before trial for training or instruction and availability for use at trial

3 **11. EXPEDITED OR DAILY TRANSCRIPTS:** Any party that will require expedited or  
4 daily transcripts shall notify Patty Ganci, Court Reporter via email at  
5 [patricia\\_ganci@nvd.uscourts.gov](mailto:patricia_ganci@nvd.uscourts.gov), **immediately upon receipt of this order.** The court reporter  
6 will provide instructions with respect to expedited or daily transcripts. Failure to timely notify the  
7 court reporter may result in an inability to provide expedited or daily transcripts.

8 **12. SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the  
9 Court will consider the imposition of sanctions against any attorney or party appearing pro se who  
10 (1) fails to timely comply with the provisions of this Order including, but not limited to, the failure  
11 to appear for Calendar Call without having been excused by the Court or the clerk with the  
12 permission of the Court; or (2) fails to timely comply with any other order that schedules deadlines  
13 for trial preparation.

14 **13. TRIAL JUDGE.** Although the cases listed on the attached trial calendar are assigned  
15 to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting  
16 district judge..

17 **14. CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil  
18 actions are reminded of their right, subject to the approval of the undersigned, to consent to trial  
19 before a United States Magistrate Judge pursuant to Title 28, United States Code, Section 636(c)  
20 2. The right to proceed before a magistrate judge in a civil case includes those cases which will be  
21 tried before a jury as well as those cases to be tried before the Court sitting without a jury. Any  
22 appeal from a judgment resulting in a trial before a magistrate judge shall be taken directly to the  
23 United States Court of Appeals.

24 **15. CONTACT PERSON:** All questions and information regarding the trial calendar are to  
25 be directed to Darci Reich-Smith, Courtroom Administrator at (702) 464-5436 or email at  
26 [darci\\_reichsmith@nvd.uscourts.gov](mailto:darci_reichsmith@nvd.uscourts.gov)

1           16. **STATUS REPORT** – A Joint Status Report as to the Parties’ preparedness to proceed  
2 to trial is due on or before **3/1/2025**. In criminal matters, a stipulation to continue filed by the same  
3 deadline will negate the need for a status report, although it should be noted that a request for a  
4 continuance does not guarantee a continuance by the Court. A request for a change of plea hearing,  
5 will also negate the need for a status report.

6           17. The date of the Clerk’s file mark shall constitute the date of this Order.

7           **IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to be 'RFB', written over a horizontal line.

RICHARD F. BOULWARE, II  
United States District Judge